IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 19165 of 2000

Between:

1. Director General ,Department of Posts, Dak Sadan, New Delhi- 110 001.
2. Secretary , Minsitry of communications, Govt of India Dept. of Posts, New Delhi.
3. The Chief Postmaster General, AP Circle, Hyderabad

... PETITIONERS

AND

O.T. Bodhale son of Late T.D. Bodhale,
HSG-I Post Master,Mahaboobnagar

.....RESPONDENT.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particualry one in the nature of Writ of Mandamus declaring the orders in OA.No. 1476/1999 dt. 4/07/2000 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad as illegal, arbitrary and unsustainable in Law and set aside the same.

Counsel for the Petitioners: MR.ARAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent.: Mr. B.ANJANEYULU

WRIT PETITION NO : 3113 of 2002

Between:

1. The Director General Department of Posts, Dak Sadan, New Delhi-110 001.
2. Secretary , Ministry of Communications Govt of India , Department of Posts, New Delhi.
3. Chief Postmaster General, AP Circle, Hyderabad.
4. The Postmaster General , Hyderabad Region. Hyderabad.

.... PETITIONERS

AND

R.Rajappaiah, son of R.Veeraiah, Asst. Supereintendent of Post Offices (HQs) Officer of the Superintendent of post Officers, Karimnagar-505 001.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to order in OA.No. 1560/2000 dt. 22/12/2000 on the file of the Central Administrative Tribunal, Hyderabad Bench, at Hyderabad and quash the same arbitrary and illegal by way of issue of a writ of Certiorari or any other appropriate writ order or orders as the Hon'ble court may deem fit and proper in the circumstances of the Cases.

Counsel for the Petitioners: MR.ARAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent .: MR.SANKA RAMAKRISHANA RAO

The Court made the following :

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COMMON ORDER: (Per Sri Justice G.Bikshapathy)

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Both the writs are disposed of by common order.

2. The matter relates to the promotion from the post of H.S.G.-I Post Master to PSS Group B.

3. The case of the unofficial respondents for promotion was rejected on the ground that they did not possess the requisite minimum marks for consideration for promotion to the post of PSS Group B and therefore, their case was rejected. Therefore, they approached the Tribunal for appropriate relief. The learned Tribunal, after taking into consideration the similar contest in O.A.No.32 of 2000, held that the minimum marks as prescribed as on the date of vacancy has to be taken into consideration for the purpose of promotion and not on the basis of the communication issued subsequently. In the instant case, the order was issued on 1-10-1996 fixing the revised minimum marks at 40% and prior to that, it was only 33%. Admittedly, the vacancy arose prior to 1-10-1996. Therefore, the Tribunal held that 40% marks is not applicable to the vacancies which arose prior to 1-10-1996 and it has to be applied to the vacancies which arose after 1-10-1996, and accordingly allowed the O.A. Against the said order the Department filed the present Writ Petition.

4. We have heard the learned counsel for the petitioners and also the learned counsel for the respondent. The finding recorded by the Tribunal is that the requirement of minimum marks on the date when the vacancy arose is to be taken into consideration. We do not find any illegality in the order dated 22-12-2000 passed by the Central Administrative Tribunal, Hyderabad Bench at Hyderabad.

5. Accordingly, both the writ petitions are dismissed. No costs.

6. The petitioners are directed to consider the case of the respondents for promotion within a period of two months from the date of receipt of copy of this order.

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G.BIKSHAPATHY,J

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B.SESHASAYANA REDDY,J

Dated 29th November, 2004.

Dvs

To

1. The Director General, Department of Posts, Dak Sadan, New Delhi-110 001.
2. The Secretary, Ministry of communications, Govt. of India Dept. of Posts, New Delhi.

3. The Chief Postmaster General, AP Circle, Hyderabad

4. The Postmaster General, Hyderabad Region. Hyderabad.

5.Two CD copies.

6. The Presiding Officer, Central Administrative Tribunal, Hyderabad Bench, Hyderabad.

THE HONOURABLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.Nos.19165 of 2000 and 3113 of 2002

Dated 29-11-2004